

AMENDED IN SENATE JULY 16, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 543**

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### **Introduced by Assembly Member Ma**

(Principal coauthor: Senator Runner)

**(Coauthor: Assembly Member Block)**

(Coauthor: Senator Cedillo)

February 25, 2009

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An act to amend Sections 123492 and 123493 of the Health and Safety Code, and to repeal Section 7 of Chapter 878 of the Statutes of 2006, relating to perinatal care, ~~and making an appropriation therefor~~ *making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

#### LEGISLATIVE COUNSEL'S DIGEST

AB 543, as amended, Ma. Perinatal care: The Nurse-Family Partnership.

Existing law establishes the Nurse-Family Partnership program to provide grants for voluntary nurse home visiting programs for expectant first-time mothers, their children, and their families, as specified. Existing law prohibits the use of grant moneys to match other grants administered by the State Department of Public Health.

This bill would allow the use of Nurse-Family Partnership program grant moneys as a match for other grants administered by the department.

Existing law establishes the California Families and Children Account in the State Treasury to accept private donations to pay for the program. The account is continuously appropriated to the department for this purpose. Existing law only allows grants to be distributed if the Director of Finance determines that there are sufficient funds from private donations available in the account. Additionally, under existing law, if there are not sufficient funds on deposit in the account by January 1, 2009, the account shall cease to exist.

This bill would permit the department to accept federal grants for purposes of the program. This bill would revise existing law to require the program to be implemented if the ~~State Public Health Officer~~ *Director of the Department of Finance* determines that at least \$500,000; ~~are~~ *is* available in the account. If this determination is not made by ~~that~~ *a specified date*, it would require that the account cease to exist and funds in the account immediately be distributed to each contributor.

By changing the purpose of a continuously appropriated fund, this bill would make an appropriation.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 123492 of the Health and Safety Code
- 2 is amended to read:
- 3 123492. The department shall develop a grant application and
- 4 award grants on a competitive basis to counties for the startup,
- 5 continuation, and expansion of the program established pursuant
- 6 to Section 123491. To be eligible to receive a grant for purposes
- 7 of that section, a county shall agree to do all of the following:
- 8 (a) Serve through the program only pregnant, low-income
- 9 women who have had no previous live births. Notwithstanding
- 10 subdivision (b) of Section 123485, women who are juvenile
- 11 offenders or who are clients of the juvenile system shall be deemed
- 12 eligible for services under the program.

1 (b) Enroll women in the program while they are still pregnant,  
2 before the 28th week of gestation, and preferably before the 16th  
3 week of gestation, and continue those women in the program  
4 through the first two years of the child's life.

5 (c) Use as home visitors only registered nurses who have been  
6 licensed in the state.

7 (d) Have nurse home visitors undergo training according to the  
8 program and follow the home visit guidelines developed by the  
9 Nurse-Family Partnership program.

10 (e) Have nurse home visitors specially trained in prenatal care  
11 and early child development.

12 (f) Have nurse home visitors follow a visit schedule keyed to  
13 the developmental stages of pregnancy and early childhood.

14 (g) Ensure that, to the extent possible, services shall be rendered  
15 in a culturally and linguistically competent manner.

16 (h) Limit a nurse home visitor's caseload to no more than 25  
17 active families at any given time.

18 (i) Provide, for every eight nurse home visitors, a full-time nurse  
19 supervisor who holds at least a bachelor's degree in nursing and  
20 has substantial experience in community health nursing.

21 (j) Have nurse home visitors and nurse supervisors trained in  
22 effective home visitation techniques by qualified trainers.

23 (k) Have nurse home visitors and nurse supervisors trained in  
24 the method of assessing early infant development and parent-child  
25 interaction in a manner consistent with the program.

26 (l) Provide data on operations, results, and expenditures in the  
27 formats and with the frequencies specified by the department.

28 (m) Collaborate with other home visiting and family support  
29 programs in the community to avoid duplication of services and  
30 complement and integrate with existing services to the extent  
31 practicable.

32 (n) Demonstrate that adoption of the Nurse-Family Partnership  
33 program is supported by a local governmental or  
34 government-affiliated community planning board, decisionmaking  
35 board, or advisory body responsible for assuring the availability  
36 of effective, coordinated services for families and children in the  
37 community.

38 (o) Provide cash or in-kind matching funds in the amount of  
39 100 percent of the grant award.

SEC. 2. Section 123493 of the Health and Safety Code is amended to read:

123493. (a) The department may accept voluntary contributions, in cash or in-kind, and federal funds to pay for the costs of the implementation of the program under Section 123492. These moneys shall be deposited into the California Families and Children Account, which is hereby created in the State Treasury, which, notwithstanding Section 13340 of the Government Code, is hereby continuously appropriated to the department for purposes of implementing Section 123492 and this section. No moneys from the General Fund shall be used in implementing Section 123492.

(b) The department's administration costs shall not exceed 5 percent of the moneys in the account created under subdivision (a). Any costs to the department incurred prior to the account receiving funds shall be reimbursed to the department from funds in the account.

(c) ~~The State Public Health Officer~~ *Director of the Department of Finance* shall determine whether there ~~are~~ *is* at least five hundred thousand dollars (\$500,000) available for implementation of Section 123492. Once the ~~State Public Health Officer~~ *Director of the Department of Finance* has determined that at least five hundred thousand dollars (\$500,000) ~~are~~ *is* available to implement Section 123492, he or she shall distribute these funds. If the ~~State Public Health Officer~~ *Director of the Department of Finance* has not made a determination on or before January 1, 2014, that at least five hundred thousand dollars (\$500,000) ~~are~~ *is* available to implement Section 123492, the amount in the account shall be immediately distributed to each contributor and the account shall cease to exist thereafter.

SEC. 3. Section 7 of Chapter 878 of the Statutes of 2006 is repealed.

SEC. 4. *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

*In order to enhance the health and safety of pregnant mothers and their children by ensuring that the Nurse-Family Partnership*

- 1 *program has sufficient funding to continue its operations, it is*
- 2 *necessary for this act to go into effect immediately.*

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